

Article - Environment

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§4-407.

(a) Except as provided in subsection (b) of this section and except for a vessel or barge carrying or receiving 25 barrels or less of oil, any vessel or barge, whether or not self-propelled, in or entering upon the waters of the State to discharge or receive a cargo of any bulk oil in the State shall post a bond of \$500 per gross ton of vessel or barge or other security, in an equal amount, determined to be sufficient by the Secretary with the Department of the Environment. The bond or other security shall be in a form approved by the Department and may be obtained individually or jointly by the vessel or barge, its owner or agent, its charterer, or the owner or operator of the terminal at which the vessel or barge discharges or receives the bulk oil. If the Department of the Environment determines oil has been discharged or spilled into the waters of the State from the vessel or barge, the bond or other security shall be forfeited to the Department, to the extent of the costs incurred to eliminate the residue of oil discharge or spillage, to the extent of damage caused to the natural and recreational resources of the State, and to the extent of any otherwise uncollectible fine levied against the vessel or barge, its owner or agent, its charterer, or the owner or operator of the terminal at which the vessel or barge discharges or receives the bulk oil, or any other person responsible for the discharge or spill. The remedies provided in this section are in addition to every other remedy available. Bond or other security may not be released without certification by the Department of the Environment that the vessel or barge has not been a source of oil discharge or spillage into the waters of the State. If the owner or operator of a vessel or barge presents adequate evidence of financial responsibility to the Department, it shall be exempt from the Department provisions requiring posting, and forfeiture, on certain conditions of a bond or other security.

(b) The Secretary may waive the bond or other security requirements of subsection (a) of this section if the Secretary determines that the bonds or securities required are unavailable.

(c) If the Secretary has not waived the bond or security requirements as provided in subsection (b) of this section, the owner, agent, charterer, and owner or operator of the terminal at which a vessel or barge discharges or receives cargo of bulk oil without being bonded as provided in subsection (a) of this section is guilty of a misdemeanor and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding \$25,000 for each offense.

(d) All penalties and bond and security forfeitures collected under this section shall be credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund.

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